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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,029	06/20/2003	Gary Schneider	40116/03701	6358

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Fay Kaplun & Marcin, LLP  
Suite 702  
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New York, NY 10038

EXAMINER
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REZA, MOHAMMAD W

ART UNIT	PAPER NUMBER
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2136

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/21/2006	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/600,029	<b>Applicant(s)</b> SCHNEIDER ET AL.	
	<b>Examiner</b> Mohammad W. Reza	<b>Art Unit</b> 2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>06/20/03</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The previous office action based on an incomplete set of claims 1-5 due to scanning error in e-DAN system. However, Examiner received the complete set of claims 1-29 on 10/17/2006 which is presented for examination in the current office action.

### ***Information Disclosure Statement***

2. The references listed on the Information Disclosure Statement submitted is in compliance with the provision of 37 CFR 1.97. Accordingly, the information disclosure statement have been considered by the examiner (see attached PTO-1449).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mahany et al hereafter Mahany (US Patent 5790536) in view of Malville et al hereafter Malville (US patent application 20040172536).
4. As per claim 1, Mahany discloses a method comprising the steps of: sending an initial signal by the first device to establish a wireless communication with the second device, the first device including only a data capturing arrangement ("DCA") as an input

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device interface with a user thereof (col. 4, lines 6-67, col. 5, lines 1-37); obtaining the PIN code from the user via the DCA; performing a pairing process to compare the PIN code to entries in a database of authorized PIN codes (col. 4, lines 6-67, col. 5, lines 1-37). Although, Mahany discloses authentication of identification (col. 71, lines 17-33), he does not explicitly disclose initiating an authentication process by the second device; and when the pairing process has been successfully completed, generating a link key to establish the authenticated wireless communication between the first and second devices. In the same field of endeavor, Malville discloses initiating an authentication process by the second device; and when the pairing process has been successfully completed, generating a link key to establish the authenticated wireless communication between the first and second devices (paragraphs, 0007, 0012, 0023-0024, 0027-0028). Accordingly, it would be obvious to one of ordinary skill in the network security art at the time of invention was made to have incorporated Malville's teachings of method for authentication between a portable telecommunication object and a public access terminal with the teachings of Mahany, for the purpose of authenticate the communication between two wireless portable device (paragraphs, 0004-0028).

5. As per claim 2, Mahany discloses the method wherein the databases is stored in a memory arrangement of the second device (abstract, col. 79, lines 45-49).

6. As per claim 3, Mahany discloses the method wherein the first device is a mobile barcode scanner (col. 4, lines 6-67, col. 5, lines 1-37).

7. As per claim 4, Mahany does not disclose the method wherein the first device communicates with the second device using Bluetooth technology. However, in the

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same field of endeavor, Malville discloses wherein the first device communicates with the second device using Bluetooth technology (paragraphs, 0005).

The same motivation that was utilized in the combination of claim 1 applies equally as well to claim 4.

8. As per claim 5, Mahany discloses the method wherein the obtaining step further includes the following substeps: scanning a barcode using the DCA, the barcode being provided by the user as the PIN code, and converting the barcode into the PIN code using a processor of the first device (col. 4, lines 6-67, col. 5, lines 1-37).

9. As per claim 6, Mahany discloses the method wherein the second device includes a wireless access point which communicates with the first device (col. 4, lines 6-50).

10. As per claim 7, Mahany discloses the method wherein the first device includes an alerting arrangement notifying the user when to enter the PIN code (col. 9, lines 43-64, col. 48, lines 42-54).

11. As per claim 8, Mahany discloses the method wherein the alerting arrangement includes at least one of a speaker emitting a predetermined sound and a set of LEDs emitting a predetermined lighting pattern (col. 75, lines 44-56).

12. As per claim 9, Mahany discloses the method wherein the obtaining step includes the following substeps: limiting a time period for the user to enter the PIN code to a predetermined time period, and refusing to accept the PIN code from the user when the predetermined time period has expired (col. 52, lines 62-67, col. 53, lines 1-25).

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13. As per claim 10, Mahany discloses the method wherein the pairing process includes the following substeps: providing first sample data by the second device to the first device, generating second data, by the first device, as a function of the first sample data, the PIN code and a hashing procedure; providing at least a portion of the second data to the second device, generating third data by the second device as a function of one of the authorized PIN codes stored in the database, the second data and the hashing procedure; comparing the second data to the corresponding third data by the second device, and when the second data matches to the third data, generating an indication the pairing process is successfully completed (col. 4, lines 6-67, col. 5, lines 1-37).

14. As per claim 11, Mahany does not disclose the method wherein the link key is one of a temporary key which is effective only for a single session and a long-term key which is effective for multiple sessions between the first and second devices. However, Malville discloses wherein the link key is one of a temporary key which is effective only for a single session and a long-term key which is effective for multiple sessions between the first and second devices (paragraphs, 0007, 0012, 0023-0024, 0027-0028).

The same motivation that was utilized in the combination of claim 1 applies equally as well to claim 11.

15. As per claim 12, Mahany discloses the method comprising the step of: establishing a secure communication between the first and second devices using a predetermined encryption technology (col. 4, lines 6-67, col. 5, lines 1-37).

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16. As per claim 13, Mahany discloses a system, comprising: a first wireless mobile device including only a data capturing arrangement ("DCA") as an input device interface with a user thereof; and a second device receiving an initial signal from the first device to establish a wireless communication, the second device initiating an authentication process, wherein the first device obtains the PIN code from the user via the DCA, wherein the first and second devices perform a pairing process to compare the PIN code to entries in a database of authorized PIN codes (col. 4, lines 6-67, col. 5, lines 1-37). Although, Mahany discloses authentication of identification (col. 71, lines 17-33), he does not explicitly disclose wherein, when the pairing process has been successfully completed, the first and second devices generate a link key to establish the authenticated wireless communication. However, Malville discloses when the pairing process has been successfully completed, the first and second devices generate a link key to establish the authenticated wireless communication (paragraphs, 0007, 0012, 0023-0024, 0027-0028).

The same motivation that was utilized in the combination of claim 1 applies equally as well to claim 13.

17. Claims 14-23 are listed all the same elements of claim 2-12 but in system form rather than method form. Therefore, the supporting rationales of the rejection to claim 14-23 apply equally as well to claim 2-12.

18. As per claim 24, Mahany discloses a wireless mobile device comprising: a processor; a wireless communication arrangement; and a data capturing arrangement ("DCA") being the only input device interface for a user thereof, the request being

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forwarded to the further device via the communication arrangement, the communication arrangement receives from the further device first data and a request for second data, the DCA obtaining the PIN code from the user, the processor generating the second data as a function of the PIN code, the first data and the hashing procedure, the second data being provided to the further device, wherein the further device generates third data as a function of one of the authorized PIN codes stored in a database, the second data and the hashing procedure (col. 4, lines 6-67; col. 5, lines 1-37). Although, Mahany discloses authentication of identification (col. 71, lines 17-33), he does not explicitly disclose wherein, wherein the processor generates a request for establishing an authenticated wireless communication, when the second data matched to the third data, the device and the further device generate a link key to establish the authenticated wireless communication. However, Malville discloses wherein the processor generates a request for establishing an authenticated wireless communication, when the second data matched to the third data, the device and the further device generate a link key to establish the authenticated wireless communication (paragraphs, 0007, 0012, 0023-0024, 0027-0028).

The same motivation that was utilized in the combination of claim 1 applies equally as well to claim 24.

19. Claims 25-29 are listed all the same elements of claim 3-8 but in system form rather than method form. Therefore, the supporting rationales of the rejection to claim 25-29 apply equally as well to claim 3-8.



*Conclusion*

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad w. Reza whose telephone number is 571-272-6590. The examiner can normally be reached on M-F (9:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MOAZZAMI NASSER G can be reached on (571)272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mohammad Wasim Reza

AU 2136

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12/15/06